

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

JOSE LUIS MOLINA, *pro se*,

Plaintiff,

-against-

ORDER of DISMISSAL

MY GUARD SECURITY; R/C DOLLNER,

08-CV-0618 (DLI) (LB)

Defendants.

X

IRIZARRY, DORA L., United States District Judge:

On December 26, 2007, plaintiff Jose Luis Molina filed a *pro se* action alleging discrimination in employment. Molina v. My Guard Security et al., 07-CV-5426 (DLI)(LB) (Complaint #1). On February 8, 2008, plaintiff filed the instant complaint (Complaint #2). The Court has examined both complaints and finds that the instant complaint is a duplicate of Complaint #1.¹ Both complaints relate to the same Equal Employment Opportunity Commission (“EEOC”) Charge Number 520-2007-03061 and the identical Notice of Right to Sue issued by the EEOC on December 19, 2007. Accordingly, the instant complaint is dismissed without prejudice to the litigation pending under Molina v. My Guard Security et al., 07-CV-5426 (DLI) (LB). See Curtis v. Citibank, N.A., 226 F.3d 133 (2d Cir. 2000).

¹While the instant complaint contains two additional pages of the Court’s employment discrimination complaint form, it appears from defendant My Guard Security’s answer, filed on February 12, 2008 in Molina v. My Guard Security et al., 07-CV-5426 (DLI) (LB), that the complaint served upon them in that earlier action contained these two additional pages because defendant has responded to all twelve paragraphs of the form complaint.

The Clerk of Court is directed to close this case. In addition, the Clerk of Court is directed to mail a copy of this Order on *pro se* plaintiff at 11-11 Carroll Street, Apt. #3B, Brooklyn, New York 11225. A copy of this Order shall be served on defendant My Guard Security, electronically via ECF to the email address provided by it under Docket # 07-CV-5426 (DLI)(LB) for that purpose.

SO ORDERED.

Dated: Brooklyn, New York
March 21, 2008

/s/
DORA L. IRIZARRY
United States District Judge